

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS  
HELD MAY 15, 2000 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Larry L. Weeks, Chairman; Mr. Joe Winkelmann, Vice Chairman;  
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham;  
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla,  
County Attorney

**VI. AGENDA REVIEW**

The Board of Supervisors and staff reviewed the agenda.

**UPDATE ON INFORMATION PROCESS IMPROVEMENTS**

A work session was held to receive an update on several initiatives currently being undertaken to enhance citizen access to information and improve information management within County government.

**PRESENTATION OF TECHNOLOGY TASK FORCE REPORT**

A work session was held to discuss recommendations of the Technology Task Force on making the business license process for technology firms more expeditious and customer friendly.

**BUSINESS LICENSE REQUIREMENTS**

A work session was held to discuss several issues relating to County business licenses, including the proposal to charge a \$20.00 processing fee for applications to issue a business license where no license is required; a request from the Chamber of Commerce to require all businesses to obtain licenses; and a general discussion regarding business license philosophy.

**FY 2000 LEGISLATIVE WRAP-UP**

Eldon James, Legislative Liaison, presented a wrap-up of the FY 2000 General Assembly Legislation.

**VII. FY 01 COPS FAST GRANT APPLICATION**

A work session was held to discuss the proposed application for four additional patrol division deputies under the Federal COPS Universal Hiring Program. No further Board action on this matter is anticipated at this time.

**VIII. TEN YEAR DEBT PROJECTIONS**

A work session was held to review ten-year debt projections.

**CLOSED MEETING**

Mr. Winkelmann moved to go into a closed meeting pursuant to Virginia Code Section 2.1-344(A)(7) for consultation with legal counsel regarding potential litigation. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 15<sup>th</sup> day of May 2000, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

***VOTE:***

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Absent During Meeting: None***

***Abstention: None***

## **IX. EXTENSION LEADERSHIP COUNCIL DINNER**

Board members and staff attended the Extension Leadership Council dinner.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

### **ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the Agenda subject to the following condition: Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

- Remove from the Consent Agenda for discussion, A Resolution to Establish Health Insurance Plans and Rates for the Period October 1, 2000 Through June 30, 2001 and A Resolution to Authorize the County Administrator to Advertise a Public Hearing on an Ordinance Amendment to Section 12-13 of the Code of Fauquier County to Revise the Business, Occupational and Professional Licensing Tax Rates
- Delete from the Consent Agenda for discussion in a future work session, Authorization to Restructure the Office of Management and Budget, Establish the Management Analyst Office, and Establish the Position of Management Analyst
- Delete from the Agenda A Resolution to Authorize the County Administrator to Sign the COPS Universal Hiring Program Grant Application and Acceptance on Behalf of Fauquier County
- Add to the Regular Agenda An Ordinance Amending Chapter 12 of the Fauquier County Code by Adding Section 12-7-N Permitting the Commissioner of the Revenue to Impose a Fee of Up to \$20.00 to Process Applications for Business Licenses Where No License is Required Under the Code.

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

### **CITIZENS TIME**

No one spoke.

## **X. CONSENT AGENDA**

Mr. Winkelmann moved to adopt the following Consent Agenda items. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Approval of the Minutes of the May 1, 2000 Regular Meeting

A Proclamation to Recognize May 2000 as Older Virginians Month

#### PROCLAMATION

#### A PROCLAMATION TO RECOGNIZE MAY 2000

#### AS OLDER VIRGINIANS MONTH

WHEREAS, each year since 1963, the month of May has been designated as a special time to honor older citizens in our Commonwealth and our nation; and

WHEREAS, the theme for May 2000 is *"In the New Century...The Future is Aging"*; and

WHEREAS, there are currently more than one million Virginians age 60 and older and this population will expand to more than two million, or a quarter of the state's population, in the next twenty-five years; and

WHEREAS, Virginians of all ages appreciate the opportunity to draw upon the experience and wisdom of our older citizens and want to preserve the values and traditions they have maintained long into the new millennium; and

WHEREAS, older Virginians who lived through the Great Depression, served their country in both war and peace, and raised both children and often grandchildren to maturity, inspire us and provide us with a fitting example of self-empowerment and personal responsibility; and

WHEREAS, Governor Gilmore has recognized May 2000 as Older Virginians Month in the Commonwealth of Virginia; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the Board of Supervisors does hereby recognize May 2000 as Older Virginians Month and call this to the attention of all citizens of Fauquier County.

Declaration of Reduction in Force Applicable to the Recycling Coordinator and

Recycling Technician

## RESOLUTION

### A RESOLUTION TO DECLARE A REDUCTION IN FORCE ELIMINATING THE RECYCLING FUNCTION IN THE DEPARTMENT OF SUPPORT SERVICES

WHEREAS, the Fauquier County FY 2001 Budget eliminated the Recycling Program functions within the Department of Support Services; and

WHEREAS, Personnel Policy Number 26, Reduction in Force (RIF) provides the means whereby reductions in force are implemented; and

WHEREAS, Personnel Policy Number 26 states that where program functions are eliminated the Board of Supervisors issues a Reduction in Force Directive which will include the program functions to be eliminated or reduced; and

WHEREAS, the elimination of recycling functions in the Department of Support Services necessitates the abolishment of the positions of Recycling Coordinator and Recycling Technician in the Department of Support Services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the Board of Supervisors does hereby issue a Reduction in Force Directive eliminating the recycling function in the Department of Support Services and abolishing the positions of Recycling Coordinator and Recycling Technician in the Department of Support Services; and, be it

RESOLVED FINALLY, That this Reduction in Force shall be effective the 1<sup>st</sup> day of July 2000, and the Director of Human Resources shall give notice of the Reduction in Force in accordance with the procedure set forth in Section 26 of the Personnel Policy.

Approval of a Severance Package for the Positions of Recycling Coordinator and Recycling Technician

## RESOLUTION

### A RESOLUTION TO AUTHORIZE APPROVAL OF SEVERANCE PACKAGES FOR

### THE POSITIONS OF RECYCLING COORDINATOR AND RECYCLING TECHNICIAN

WHEREAS, the Fauquier County FY 2001 budget eliminated the positions of Recycling Coordinator and Recycling Technician within the Department of Support Services through reduction in force; and

WHEREAS, Personnel Policy Number 26, Reduction in Force (RIF) provides the

means whereby reductions in force are implemented; and

WHEREAS, Personnel Policy Number 26, Reduction in Force includes a provision that upon RIF order, severance packages shall be developed and approved by the Board of Supervisors; and

WHEREAS, severance packages have been developed for these positions; and

WHEREAS, said severance packages include one month of compensation, three months of extended health insurance and job/career transition assistance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the proposed severance packages are hereby approved; and, be it

RESOLVED FINALLY, That the effective date of the severance packages be July 1, 2000.

Authorization to Revise Personnel Policy, Section Number 51, Travel Policy and Procedures

## RESOLUTION

### A RESOLUTION TO ADOPT REVISIONS TO PERSONNEL POLICY

#### SECTION NUMBER 51, TRAVEL POLICY AND PROCEDURES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of promulgating clear and detailed travel regulations and requirements; and

WHEREAS, the Travel Policy provides the means whereby such regulations and requirements are determined; and

WHEREAS, County staff revised the current Travel Policy to incorporate the best practices found in the State and Federal policies; subjected the policy to review by all Department Heads; and received approval from the Personnel Committee; and

WHEREAS, the recommended changes are contained in the revised Travel Policy attached hereto and dated July 1, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the revisions made in the Travel Policy be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be July 1,

2000; and, be it

RESOLVED FINALLY, That the County Administrator, or his designee, be, and is hereby, directed to administer the revised Travel Policy in accordance with applicable Fauquier County policies and procedures.

## PERSONNEL POLICY

Fauquier County, Virginia

### Policy Title

Travel Policy and Procedures

## I. PURPOSE

To publish uniform standards and regulations approved by official action of the Board of Supervisors (BOS)/School Board (SB) governing official and authorized travel by Fauquier County Government/Public School employees, members of boards, commissions and authorities engaged in Fauquier County business.

## II. DEFINITIONS

- A. Authorized Travel: Travel to be performed by County/School employees which is reviewed and approved in the budget process and for which funds are included in the budget.
- B. Local Travel: All daily travel performed within the boundaries of Fauquier County by employees in accomplishing their assigned duties is considered local travel. Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisors will manage the allocation of available resources to accomplish local travel most efficiently and effectively throughout the year.
- C. Regional Travel: All daily travel to locations outside the boundaries of Fauquier County for the purpose of attending inter jurisdictional meetings, training, or other official functions is considered regional travel. Regional travel requires Department Head/Constitutional Officer/Associate Superintendent/Principal/ Supervisor approval.
- D. Extended Travel: All overnight trips to destinations outside Fauquier County to attend meetings, conferences, training, or other work related functions is considered extended travel. Extended Travel projected to exceed \$750 must be authorized during the budget process or, as an exception to policy during the year by the County Administrator/ Superintendent of Schools.

## III. GENERAL POLICIES

- A. Applicability: This policy on travel shall apply to all employees and members of boards, commissions, and authorities of Fauquier County who adhere to the personnel policies and other administrative guidelines for Fauquier County Government/School Division as approved by the Board of Supervisors/School Board. Employees are not guaranteed attendance at conferences and training seminars. Department Head/Constitutional Officer/Associate Superintendent/Principal/Supervisor have the authority to approve or disapprove requests for conferences, training, seminars and other business travel. Supervisors are encouraged to provide these opportunities appropriately and fairly.
- B. Responsibility: Each employee and department head is expected to exercise sound and prudent judgement when arranging for, incurring and approving travel expenditures. Travel expenditures must not exceed a department's total travel budgetary allocation.
- C. Exceptions/Unbudgeted Requests: In those instances which may arise where funds for certain desired travel are not included in the budget or exceed the \$750 limit mentioned in paragraph II.D, the requesting agency must specify which funds are to be used for the proposed travel before it will be authorized by the County Administrator/School Superintendent.
- D. Hardship: Except for registration, per diem and advance conference fees, all travel payments shall be in the form of employee reimbursements unless prior approval for hardship cash advance is submitted to and approved by the County Administrator/Superintendent of Schools.
- E. Excessive Expenses: Persons traveling on official County/School business will exercise care in incurring expenses to minimize the cost to the County Government/School Division. Excessive and unnecessary expenses will not be reimbursed. Those with authority as specified in paragraph III.A above will determine if expenses are excessive.
- F. Joint Travel: When two or more employees travel to the same destination, maximum use shall be made of special group travel discounts, joint use of taxicabs and joint use of County/School-owned, leased or privately-owned vehicles. County Government/School Division strongly urges all employees to carpool, use commercial transportation, etc., where feasible.
- G. Gasoline Credit Cards: County Government/School Division-issued gasoline credit cards may be used with the following restrictions:

The card may only be used to purchase gas or oil and for emergency repairs when it is not practical to return to the County garage or have the vehicle towed to the County garage.

The gasoline may only be charged to the card when it would not be practicable to

return to the County pumps for gasoline.

The card may not be used for food, drinks, cash advances, or items for personal use.

- H. International Travel. International travel (to locales outside the 48 contiguous United States) shall be subject to these policies and procedures and to the authorization of the County Administrator/Superintendent of Schools.

#### IV. POLICY ADMINISTRATION

The administration of this policy will be as follows:

A. Board of Supervisors/School Board will adopt provisions of policy; set rates of reimbursement; and make any significant alterations.

B. County Administrator/Superintendent of Schools/Board Chairpersons (Library, Social Services, Parks & Rec., etc.) will implement all provisions of this policy, authorize exceptions as permitted, make changes to operating procedures as necessary, and maintain this policy on file in the Office of the County Administrator/Superintendent of Schools.

C. County Administrator/Superintendent of Schools/Board Chairpersons approval is required when more than one employee plans to attend an event that is outside of the Washington Metropolitan area and will involve overnight travel. This approval is required even if the employees are from different departments/schools.

D. Finance Department will administer the policy (review policy for compliance, keep records, prepare advances and checks, note discrepancies, etc.)

E. Department Head/Constitutional Officer/Associate Superintendent/ Principle/Supervisor will budget all travel and will determine appropriateness of all travel undertaken by departmental/division staff. Not all daily travel will qualify for reimbursement under this policy due to unique circumstances within departments. Policies governing unique circumstances will be established at Department level.

F. The County Administrator/Superintendent of Schools will make recommendations to the Board of Supervisors/School Board on all travel requests submitted through the budget process by Department Head/Constitutional Officer, Associate Superintendent, Principal, and Supervisor

## V. TRANSPORTATION

- A. Policy: It is expected that the most direct, practical and economical mode and route of travel is arranged and used. Transportation is paid only if it is reasonable and necessary to accomplish the County's business.
- B. County Vehicle: County vehicles should be used for day or overnight travel whenever possible.
- C. Personal Vehicle: Personal vehicles should be used for transportation for local, day or overnight travel only when a County vehicle is not available or use of a County vehicle is highly inconvenient. The rate of reimbursement is equal to the rate established by the State of Virginia (See Appendix 1). Payment is provided (at the employee's request) for travel in personal vehicles that are necessary during the course of a workday. The distance normally traveled from home to worksite (or the equivalent distance) is not payable. If an employee is required to go home and return to work, the department head, depending on circumstances, may approve mileage reimbursement. In the event of an accident the employee's insurance will be sole and primary. The County will reimburse the employee's deductible up to \$250.00.
- D. Commercial Transportation (Airplane, Rental Car, Taxicab, etc.): It is expected that the most economical and efficient mode and route of travel is used and that all travel is necessary to accomplish the County's business. Transportation should be shared by employees traveling together whenever possible. Rental cars may be used only when necessary for official purposes while traveling.

## VI. LODGING

- A. Accommodations: Accommodations will be arranged on a single occupancy basis only, unless there is more than one County employee traveling and a room is being shared. Accommodations are arranged at (or closest to) the site of business. A receipt for lodging expenses will be needed and must accompany the travel voucher to ensure reimbursement.
- B. Overnight: Lodging for overnight stays must be necessary and reasonable to accomplish the County's business. It is the Department Head/Constitutional Officer/Assistant Superintendent/Principal/Supervisor's discretion as to what constitutes a legitimate need for overnight lodging.
- C. Non-Canceled Hotel Reservations: Employees will communicate travel plan changes to the hotel as soon as possible when a confirmed reservation is being held. Since hotels can charge for non-canceled reservations, these charges will not be reimbursed if the traveler is negligent in canceling those reservations.

## VII. MISCELLANEOUS EXPENSES

- A. Allowed Expenses: Taxes and surcharges paid by the traveler for lodging will be reimbursed. Business telephone calls and facsimiles paid for by the traveler will be reimbursed. Tolls and parking fees are reimbursable. A receipt is required for reimbursement claims greater than \$10.00.
- B. Telephone Toll Charges: Toll charges are distinguished from local calls charged against the hotel bill. These charges must be stated on the reimbursement voucher with an explanation of why they were made. Employees are exhorted to use the County credit card available from Operations and Services Division in Support Services due to the high cost of connection charges levied by most hotels and motels.

## VIII. TRAVEL APPROVAL

Travel by:                      Signature Approval:

Departmental Staff                      Department Head/Constitutional Officer

School Staff                      Principal/Supervisor

Department Head/Constitutional                      County Administrator/Deputy County

Officer/Registrar                      Administrator

Department Head (Library, Social                      Board Chairperson

Services, Parks & Rec., etc.)

Principal/Supervisor                      Superintendent of Schools/Associate

Superintendent

Outside U.S.                      County Administrator/Superintendent of

Schools

Members of the BOS/SB                      Board Chairperson/Vice Chairperson

Members of Boards/Committees                      County Administrator/Superintendent

(Non-BOS/SB)                      of Schools

County Administrator/County                      Chairperson, BOS

Attorney

Superintendent of Schools

Chairperson, SB

Court System Personnel

Chief Judge of Applicable Court

## **IX. PER DIEM ALLOWANCES FOR MEALS**

A. General: Employees will be compensated for meals consumed during official travel as indicated below.

1. Local and Regional Travel: An employee will be reimbursed for meals, tips and incidental expenses through the per diem rate set out in Appendix 1 of this policy. The amount of per diem depends on the time period of travel:

- a. Breakfast: generally from 6:00 – 10:00 AM
- b. Lunch: generally from 11:00 AM – 2:00 PM
- c. Dinner: generally from 5:00 – 9:00 PM

Note: Not all travel will qualify for reimbursement. See paragraph IV.E above.

2. Extended Travel: An employee is eligible for per diem at a flat rate per day for the cost of meals, tips and incidentals for each full day of travel. For per diem allowances, travel begins on the day an employee leaves the place of abode, office or other point of departure and ends on the day the employee returns to the place of abode, office, or other departure point. For partial days, while enroute to or returning from overnight travel, an employee will be reimbursed as stated in paragraph 1 above.

3. Exceptions. When it can be determined factually that the standard per diem rates are not appropriate for the particular travel location, the official responsible for directing travel should seek authority to prescribe a fixed per diem at a rate different from the standard rate. Such authority must be requested and approved by the County Administrator/Superintendent in advance of the travel.

B. Non-reimbursable Meals. An employee will not be eligible for per diem or reimbursement at the maximum daily allowance for meals when any or all meals are furnished as a condition of travel. If all meals are provided on a

given day(s), the employee will not receive per diem for that day. If less than three meals are furnished, the employee will receive the amount specified less the non-reimbursable meal(s). The number of reimbursable meals will be indicated on the Per Diem/Reimbursement Voucher along with the date the meal(s) was (were) consumed. Non-reimbursable meals are defined as:

1. Any meal included in a registration or conference fee ultimately paid by the County; or
2. Any meal furnished at no cost to the employee by a school or vendor while attending a course of instruction if the cost of the meal is ultimately paid for by the County as part of the cost of instruction; or
3. Any meal furnished by an airline where the cost of the ticket is paid for by the County; or
4. Any meal furnished by a private individual or firm that serves to replace a meal(s) that would normally be funded as part of the per diem.
5. For the purposes of this policy continental breakfast and heavy hors d'oeuvres are not classified as non-reimbursable meals. For example, a traveler will be reimbursed for breakfast even if a continental style meal is provided by the hotel.

## **Appendix 1 to County Travel Policy**

### **PER DIEM RATES**

**(Effective July 1, 2000)**

- I. **Mileage:** \$.27 per mile.
- II. **Meals:**
  - A. **Daily Meal Rates:** Breakfast-\$10.00, Lunch-\$12.00, Dinner-\$23.00
  - B. **Daily Per Diem:** \$45.00

Authorization to Revise Personnel Policy, Section Number 17, Employee Performance Evaluation

## **XI. RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE REVISION OF PERSONNEL POLICY**

**SECTION NUMBER 17, EMPLOYEE PERFORMANCE EVALUATION**

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of compensating all employees equitably with respect to job performance; and

WHEREAS, the Performance Evaluation Policy provides the means whereby the performance of each County employee is evaluated and merit compensation is determined; and

WHEREAS, the Performance Evaluation Policy includes a provision stating that the County Performance Evaluation System will be evaluated periodically to ensure that the System is meeting the needs and objectives of the County, and that as a result of such an evaluation, action will be taken, as necessary, to refine, alter, or otherwise improve the system; and

WHEREAS, such an evaluation was conducted of the Performance Evaluation System; and

WHEREAS, the recommended changes are contained in the revised Performance Evaluation Policy attached hereto and dated May 15, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the revisions made in Personnel Policy, Section Number 17, Employee Performance Evaluation be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be May 15, 2000; and, be it

RESOLVED FINALLY, That the County Administrator, or his designee, be, and is hereby, directed to administer the revised County Performance Evaluation System in accordance with applicable Fauquier County policies and procedures.

## PERSONNEL POLICY

Fauquier County, Virginia

### Policy Title

### Employee Performance Evaluation

#### I. Purpose

This section provides the procedures by which an equitable evaluation of duties and responsibilities accomplished by employees of Fauquier County will be made. This policy serves to:

- A. Increase productivity and quality of work.
- B. Foster an effective supervisor/employee partnership in order to accomplish organizational goals and objectives.
- C. Provide the means to evaluate individual performance fairly and accurately.

## II. Scope

This policy applies to all permanent full-time and permanent part-time Fauquier County employees.

## III. Evaluation Forms

The County Performance Evaluation forms will be used in evaluating the performance of County employees. Specialized forms may be developed by Department Heads/Constitutional Officers if the need arises. Any specialized forms must be reviewed by the Department of Human Resources and approved by the County Administrator prior to official use.

## IV. The Evaluation Process

Performance evaluation is a continuous process carried on in an atmosphere of fairness, mutual respect and meaningful communication. Frequent communication between the supervisor and employee regarding the employee's performance is intended to strengthen the supervisor/employee relationship and should result in improved performance and personnel decisions. Immediate supervisors who leave their positions during the rating period must, prior to departure, complete a performance evaluation for each subordinate who has not received an evaluation within the previous ninety (90) days.

## V. Responsibilities

- A. Immediate supervisors (evaluators) will:
  - 1. At the beginning of each evaluation period:
    - a. Review each class specification and job task listed to ensure an accurate description of the position's duties and responsibilities.
    - b. Identify key job elements for each position and assign a corresponding weight to each key element.
    - c. Meet with each employee to set and communicate performance standards in writing.

2. Throughout the year:

a. Conduct progress reviews to discuss performance and to document changes as they occur.

b. Assist employees who perform below the "Meets Standards" level of performance through follow-up counseling and direct feedback.

3. During the evaluation process:

a. Prepare the evaluation form.

b. Provide the second level supervisor with the opportunity to review the evaluation form before discussing the evaluation with the employee.

c. For any employee who receives a rating below "Meets Standards" in two or more functional areas, use a detailed memorandum to establish specific performance improvement goals and a timetable for achieving those goals.

d. Forward completed performance evaluations to the Department of Human Resources.

B. Second level supervisors will:

1. Provide training to recently promoted or newly hired supervisors in how to apply this policy and how to conduct appraisals.

2. If desired, review the evaluation form and key job elements before the evaluator discusses the evaluation with the employee.

3. Sign the evaluation form after the evaluator has discussed the evaluation with the employee.

C. Employees will:

1. Actively participate in the setting of individual goals for the upcoming evaluation period.

2. Advise immediate supervisor of any factors or circumstances which the employee believes should be considered in evaluating their performance.

D. The County will provide training to all managers, supervisors, and

employees affected by this policy.

#### VI. Key Job

Key job elements are those parts of the job that bear a significant relationship to the basic purpose of the position and the accomplishment of organization functions.

Non-managerial employees will be evaluated on twelve (12) key job elements and managerial employees will be evaluated on twenty (20) key job elements.

#### VII. Performance Standards

Whereas key job elements state what needs to be done in a job, performance standards state how it is to be done. The standards identify the level of proficiency at which each key job element can possibly be carried out during a specified period. In setting standards, it is necessary to consider how performance will be measured. It may be based on terms of cost, timeliness, quality, quantity, accuracy, work behaviors, and/or other manners of performance which have an impact upon the work results of the department and its functions.

Performance standards must be established for each key job element at the fully successful level. The standard must be stated in writing on the evaluation form, and must be communicated to the employee at the beginning of each evaluation period, or when a change is made during the evaluation period.

#### VIII. Rating Levels

The Employee Performance Evaluation form provides for six (6) distinct levels of performance for the key job elements on the evaluation form.

Outstanding (5 points) – Performance is consistently characterized by exceptionally high quality and quantity of work which significantly exceeds all expectations and objectives.

Exceeds Standards (4 points) – Performance is typically characterized by exceptionally high quality and quantity of work which consistently exceeds expectations and objectives.

Meets Standards (3 points) – Performance meets the full expectations of the position.

Fair (2 points) – Performance is moderately below the requirements for the position and must be improved. Counseling and an improvement plan detailing specific performance improvement goals and a timetable for achieving those goals is recommended.

Needs Improvement (1 point) – Performance is below the requirements for the position and must be improved. Counseling and a performance improvement plan (PIP) must be implemented. The employee's immediate supervisor, in consultation with the evaluator's immediate supervisor, should help the employee develop his/her PIP detailing specific performance improvement goals and a timetable for achieving those goals. Two (2) successive overall evaluations of "Needs Improvement" may result in termination.

Unacceptable (0 point) – Employee is not meeting the performance standards established for his/her job. Counseling and a performance improvement plan (PIP) must be implemented. The employee may lack the required knowledge, skills and abilities to perform the job adequately, or the employee may not understand the performance expectations associated with the job. The employee's immediate supervisor, in consultation with the evaluator's immediate supervisor, and the Personnel Director, or designee, shall help the employee develop his/her PIP goals. A timetable for achieving those goals is required. Two (2) successive overall evaluations of "Unacceptable" shall result in termination.

#### IX. Timing of Evaluations

A. All employees shall be rated at least annually. The evaluation period shall be from July 1 through June 30 of each year.

B. New and recently promoted employees will be reviewed after three (3) months of employment. If the employee falls below the Meets Standards level in more than one area, they should be reviewed again prior to the completion of his/her probationary period on the Employee Performance Evaluation form. Following the probationary period, the employee would be eligible for yearly merit adjustments like all other tenured employees.

C. Employees who transfer during a rating period normally will be evaluated jointly by those supervisors having responsibility over the employee during the rating period. In rating performance, consideration will be given to the employee's length of time and responsibilities under each supervisor.

D. Based upon the circumstances, and with prior approval of the reviewing supervisor and concurrence by the Director of Human Resources, the immediate supervisor has the option to postpone an employee's evaluation for a period not to exceed ninety (90) days. The employee must be advised in writing of the reason for the postponement, and the date that the evaluation will be completed.

E. Special additional evaluations may be scheduled and accomplished as needed by the immediate supervisor.

#### X. Employee Rights

Evaluation of an employee's performance is not grievable under the County Grievance Procedure. The content of key job elements and performance standards are not grievable under the County Grievance Procedure. Each employee has the right to reply in writing to the evaluator after the evaluation has been discussed with them. The employee's granting or withholding of approval will not be a prerequisite to the effective date, or substance of the evaluation, nor will any evaluation or salary increase as a result thereof be a grievable matter. Any written response by the employee will be forwarded to the second level supervisor for review, and will become part of the official personnel record, before the rating becomes final.

#### XI. Pay Allocation Based on Performance

- A. An employee may be eligible to receive a merit increase ~~of from~~ ~~"Unacceptable" to "Outstanding"~~ based upon his/her overall job performance rating.
- B. An employee who receives an overall job performance rating of "Unacceptable" will not receive a merit increase.
- C. An employee may be awarded merit increases based upon the following schedule:

<u>Overall Job</u>	<u>Overall Job</u>
<u>Performance Rating</u>	<u>Performance Rating</u>
Outstanding	139-150
Exceeds Standards	109-138
Meets Standards	79-108
Fair	49-78
Needs Improvement	28-48
Unacceptable	0-27

- D. In order for an employee to receive an "Outstanding" merit increase, the Department Head/Constitutional Officer must submit a formal, written request to the County Administrator.
  - 1. The request must provide documentation justifying the "outstanding" merit increase. The documentation will be in addition to the descriptive explanations in the performance evaluation. The support of the request will address the expectations and expand upon them to

include such factors as teamwork/cooperation, customer service, improvements in existing procedures, and special achievements/recognition. The Department Head/Constitutional Officer may be required to present the justification in a formal meeting with the County Administrator.

2. Employees for whom the request is made must have no individual performance factor rating below "Exceeds Standards" on any job performance element and must have an overall rating of "Outstanding".
  3. Up to 20% of the total number of permanent employees within the general government may receive an "Outstanding" merit increase contingent upon the approval of the County Administrator and the availability of funds.
  4. While budget limitations may require adjustments of proposed merit pay increases, such limitations will not influence the evaluation rating given to an employee.
- E. An employee who receives an overall performance rating of "Meets Standards" or above and whose salary is at, or above, the top of the salary range may receive a lump sum merit bonus corresponding to the overall job performance rating and contingent upon the availability of funds, consistent with section D above. Such employee shall receive the lump sum merit bonus only, and no increase in base salary.

F. Probationary Employees

1. New Hires

- A. A newly hired employee who has not completed the probationary period by July 1 shall not be eligible to receive a merit increase until the completion of the next performance cycle.

2. Promotions

- A. Upon promotion within ~~the same department~~ any county government department, a permanent status employee who is required to complete a new probationary period, and who has received an overall job performance rating of at least "Meets Standards", shall be eligible to receive a merit increase.

~~B. Upon promotion to a different department, a permanent~~

~~status employee who is required to complete a new probationary period shall be eligible to receive a merit increase on July 1 following the successful completion of the new probationary period.~~

### 3. Lateral Transfers

A. Upon lateral transfer within ~~the same department~~ any county government department, a permanent status employee who is required to complete a new probationary period, and who has received an overall job performance rating of at least "Meets Standards", shall be eligible to receive a merit increase.

~~B. Upon lateral transfer to a different department, a permanent status employee who is required to complete a new probationary period shall be eligible to receive a merit increase on July 1 following the successful completion of the new probationary period.~~

### 4. Demotion

A. Upon demotion within ~~the same department~~ any county government department, a permanent status employee who is required to complete a new probationary period, and who has received an overall job performance rating of at least "Meets Standards", shall be eligible to receive a merit increase.

B. Upon demotion to a different department, a permanent status employee who is required to complete a new probationary period shall be eligible to receive a merit increase on July 1 following the successful completion of the new probationary period.

## XII. Use of Evaluations

Results of performance evaluations may be used as a basis for determining training, awards, merit pay, reassigning, promoting, transferring, reduction in grade, retaining and terminating employees.

## XIII. Records

A. The completed performance evaluation forms will be maintained in the employee's personnel file located in the Department of Human Resources. Retention of these documents will be in accordance with the County Personnel Policy. If used, self-evaluation forms are not to be included in the employee's personnel file.

B. All completed Fauquier County employee performance evaluation forms are confidential and are to be made available only to:

1. The employee evaluated.
2. An individual or representative whom the employee has designated in a written statement for release of information.
3. The evaluator and supervisors directly in the chain of authority above the employee and the Department Head/Constitutional Officer.
4. The County Administrator or designated representative.
5. A supervisor who is considering accepting the employee for a promotion/transfer.
6. The Director of Human Resources or designated representative.

XIV. Program Evaluation

Periodic evaluation of the effectiveness of the County Performance Evaluation System will be conducted to determine whether it meets the needs of the organization, management and employees, and whether it complies with pertinent laws and regulations. As a result of the program evaluation, action will be taken, as necessary, to refine, alter, or otherwise improve the system. Copies of such evaluation reports will be available for review by all employees, supervisors and management officials of the County.

XV. Compliance with Equal Employment Opportunity Guidelines

Because performance evaluations can be used as a factor in making personnel decisions such as pay, promotion, awards, transfer, demotion, suspension, training or termination, the employee performance evaluation system must comply with applicable equal employment opportunity guidelines. Consistency in treating all employees in the same manner is essential. Factors such as race, color, creed, political or religious affiliation or opinion, age, handicap, national origin, sex, marital status, pregnancy, or any other non-merit factor will not influence how employees are evaluated and rated.

A Resolution to Approve the Fiscal Year 2000-2001 Pre-Application for the Six-Year Airport Capital Improvement, Maintenance and F&E Programs for the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO AUTHORIZE FILING

FISCAL YEAR 2000-2001 PRE-APPLICATION FOR  
COMMONWEALTH AIRPORT FUNDS AND  
SIX-YEAR AIRPORT CAPITAL IMPROVEMENT PROGRAM  
FOR THE WARRENTON-FAUQUIER AIRPORT

Be it resolved by the Fauquier County Board of Supervisors this 15th day of May 2000, That authorization be given to file the Warrenton-Fauquier Airport Pre-application for Commonwealth Airport Funds and Six-Year Capital Improvement Plan for FY 2000-2001.

A Resolution to Amend the Rules, Regulations, and Minimum Standards for the Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO AMEND THE RULES, REGULATIONS, AND  
MINIMUM STANDARDS FOR THE WARRENTON-FAUQUIER AIRPORT.

WHEREAS, the Fauquier County Board of Supervisors adopted the Rules, Regulations, and Minimum Standards for the Warrenton-Fauquier Airport by resolution on the 18<sup>th</sup> day of November, 1997; and

WHEREAS, the Airport Committee found during a review of the adopted Rules, Regulations and Minimum Standards that the wording of the mission statement did not conform to that contained in the by-laws adopted by the Airport Committee on February 4, 1992; and

WHEREAS, it has been generally acknowledged and proved by history that the development, updating, and enforcement of Minimum Standards can diminish complaints by potential or existing aviation businesses; and

WHEREAS, users of the airport now include persons who operate ultra-light aircraft; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the amended Rules, Regulations, and Minimum Standards for the Warrenton-Fauquier Airport be, and are hereby, adopted.

***NOTE:** A copy of the Rules, Regulations, and Minimum Standards for the Warrenton-Fauquier Airport is filed in the Office of the County Administrator*

A Resolution to Authorize Execution of an Amendment to a Federal Aviation

Administration Land Acquisition Grant Agreement for Warrenton-Fauquier Airport

RESOLUTION

A RESOLUTION TO AUTHORIZE EXECUTION OF AN AMENDMENT  
TO A FEDERAL AVIATION ADMINISTRATION LAND ACQUISITION  
GRANT AGREEMENT FOR THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Fauquier County Board of Supervisors has adopted a Master Plan for the Warrenton-Fauquier Airport which provides for expansion of the Airport; and

WHEREAS, funds for acquisition of properties for the expansion project are available under Federal Aviation Administration and Virginia Department of Aviation grants; and

WHEREAS, the Fauquier County Board of Supervisors entered into a Grant Agreement with the Federal Aviation Administration dated 22 September 1997, which said grant was in the amount of \$608,848; and

WHEREAS, this project resulted in an eligible overrun of \$19,624.88, requiring an increase in grant funds in this amount; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of May 2000, That the Assistant County Administrator be, and is hereby, authorized to sign Amendment No. 2 to the Federal Aviation Administration Grant Agreement for AIP Project 3-51-0068-03.

A Resolution to Approve the Application by the Waterloo Property Owners Associations Water System for a Certificate of Public Convenience and Necessity from the State Corporation Commission

RESOLUTION

A RESOLUTION TO APPROVE THE APPLICATION BY THE  
WATERLOO PROPERTY OWNERS ASSOCIATIONS WATER  
SYSTEM (COMPANY) FOR A CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY FROM THE STATE CORPORATION COMMISSION

WHEREAS, Section 13.1-620 G of the Virginia Code states that a Company beginning service after January 1, 1970 and serving more than 50 customers must

incorporate as a public service company; and

WHEREAS, the Waterloo Property Owners Associations Water System began service in June of 1989, is not incorporated, and currently serves 56 customers; and

WHEREAS, when a public service authority such as the Fauquier County Water and Sanitation Authority (FCWSA) exists, the approval of the governing body in which the service territory is located is required; and

WHEREAS, the FCWSA elected in 1989 not to exercise its purchase option for the Waterloo Water System and continues to have no interest in it; and

WHEREAS, the State Corporation Commission directed that the Waterloo Property Owners Associations Water System file for a Certificate of Public Convenience and Necessity before March 20, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the application for a Certificate of Public Convenience and Necessity to be submitted by the Waterloo Property Owners Associations Water System be, and is hereby, approved.

A Resolution to Adopt the FY 2001-2006 Capital Improvements Plan

RESOLUTION

A RESOLUTION TO ADOPT THE FY 2001-2006

CAPITAL IMPROVEMENTS PLAN (CIP)

WHEREAS, the Board of Supervisors has established an objective to adopt the Capital Improvements Plan (CIP) by December of each year; and

WHEREAS, the CIP Advisory Committee and Planning Commission have had several developmental meetings to formulate the recommended CIP; and

WHEREAS, both the Planning Commission and the Board of Supervisors have held respective public hearings on the recommended CIP; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the FY 2001-2006 Capital Improvements Plan be, and is hereby, adopted.

*NOTE: A copy of the FY 2001-2006 Capital Improvements Plan (CIP) is filed in the Office of the County Administrator.*

**A RESOLUTION TO COMPENSATE BRUCE CASNER FOR THE ALLEGED DAMAGE TO HIS LAND AND HOME AS A RESULT OF THE OPERATION OF THE COUNTY**

**LANDFILL**

Mr. Graham moved to table the decision on a request from Bruce Casner for compensation for the alleged damage to his land and home as a result of the operation of the County Landfill. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**A RESOLUTION TO ESTABLISH HEALTH INSURANCE PLANS AND RATES FOR THE PERIOD OCTOBER 1, 2000 THROUGH JUNE 30, 2001**

Mr. Graham, on behalf of the Board's Personnel Committee, moved to adopt the following resolution. The vote for the motion was 4 to 1 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Raymond Graham***

***Nays: Ms. Sharon McCamy***

***Absent During Vote: None***

***Abstention: None***

**RESOLUTION****A RESOLUTION TO ESTABLISH HEALTH INSURANCE PLANS AND****RATES FOR THE PERIOD OCTOBER 1, 2000 THROUGH JUNE 30, 2001**

WHEREAS, the Fauquier County Government and the School Division participate in a self-insured health care program administered by TRIGON and establish rates yearly based on projected expenses and the amount of funds budgeted to support the program which is in effect from October 1<sup>st</sup> through September 30<sup>th</sup>; and

WHEREAS, the cost of health care claims have increased significantly and TRIGON has indicated that the Full Service Health Care option will no longer be supported; and

WHEREAS, the Personnel Committees have reviewed the Health Care Program and recommend changes to the program as necessary to include an increase to the

employer contribution, and to include an additional PPO option, KeyCare 15, and adjust the prescription card to \$8/\$15/\$30 and change the health care contract to a fiscal cycle beginning July 1, 2001; and

WHEREAS, for the period October 1, 2000 through June 30, 2001 the Personnel Committee reviewed all factors related to the health care issue and recommended a rate structure with the elimination of the Full Service option, to include an additional PPO option, KeyCare 15, and adjust the prescription card and change the health care contract to a fiscal cycle beginning July 1, 2001; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of May 2000, That the rate structure, with the elimination of the Full Service option, to include an additional PPO option, KeyCare15, the adjustment of the prescription card and the change of the health care program to a fiscal cycle beginning July 1, 2001 recommended by the Personnel Committee be, and is hereby, adopted.

*NOTE: A copy of the rate structure for the Health Insurance Plans for October 1, 2000 through June 30, 2001 is filed in the Office of the County Administrator.*

**A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE AMENDMENT TO SECTION 12-13 OF THE CODE OF FAUQUIER COUNTY TO REVISE THE BUSINESS, OCCUPATIONAL AND PROFESSIONAL LICENSING TAX RATES**

Mr. Winkelmann moved to adopt a resolution authorizing the County Administrator to advertise a public hearing to consider amending Section 12-13 of the Fauquier County Code to equalize BPOL tax rates with the Town of Warrenton to include a revenue adjustment generated from the amendment. Mr. Graham seconded.

After discussion, Ms. McCamy offered an amended motion to table the decision until the July 17, 2000 meeting to allow time to coordinate with the Town of Remington and the Town of The Plains and to ask the Economic Development Advisory Council to review the proposal and make a recommendation. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**AN ORDINANCE AMENDING CHAPTER 12 OF THE FAUQUIER COUNTY CODE BY ADDING SECTION 12-7-N PERMITTING THE COMMISSIONER OF THE REVENUE TO IMPOSE A FEE OF UP TO \$20.00 TO PROCESS APPLICATIONS FOR BUSINESS**

**LICENSES WHERE NO LICENSE IS REQUIRED UNDER THE CODE**

A public hearing was held at the May 1, 2000 meeting to consider amending Chapter 12 of the Fauquier County Code by adding Section 12-7-N to permit the Commissioner of the Revenue to impose a fee of up to \$20.00 to process applications for business licenses where no license is required under the Code. Ms. McCamy moved to adopt the following ordinance. Mr. Atherton seconded, and the vote for the motion was 4 to 1 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: Mr. Joe Winkelmann***

***Absent During Vote: None***

***Abstention: None***

**ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 12 OF THE FAUQUIER  
COUNTY CODE BY ADDING SECTION 12-7-N PERMITTING  
THE COMMISSIONER OF THE REVENUE TO IMPOSE A FEE OF UP  
TO \$20.00 TO PROCESS APPLICATIONS FOR BUSINESS LICENSES  
WHERE NO LICENSE IS REQUIRED UNDER THE CODE

WHEREAS, Chapter 12 of the Fauquier County Code currently does not require businesses with gross receipts of less than \$100,000 to obtain a business license; and

WHEREAS, some businesses, while not required to obtain a license under Chapter 12, still wish or seek to have a license issued to them; and

WHEREAS, the Commissioner of the Revenue has stated that the issuance of those licenses result in impacts on staff time and resources and has requested the authority to impose a fee of not more than \$20.00; and

WHEREAS, the Board of Supervisors, by the adoption of this Ordinance, deems it to be in the best interest of the citizens of the County to amend Chapter 12 of the Fauquier County Code to permit the Commissioner of the Revenue to impose the requested fee; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That Chapter 12 of the Fauquier County Code be, and is hereby, amended to add Section 12-7-N as follows:

#### Section 12-7-N

The Commissioner of Revenue shall have the authority to impose a fee of not more than \$20.00 on any application for the issuance of a business license where the issuance of the license is not required by this chapter.

## **XII. SUPERVISORS TIME**

Ms. McCamy asked that a work session be scheduled at the June 19, 2000 meeting to discuss the Historic Resources Committee.

Mr. Lee reminded everyone that the Board of Supervisors would be meeting once per month on the third Monday during the months of June, July and August.

Mr. McCulla informed Board members that he had received information from Warren County regarding the pending boundary adjustment and that it should be ready for public hearing at the June 19, 2000 meeting.

### **ZONING ORDINANCE TEXT AMENDMENT FOR THE ADDITION OF THE PLANNED DEVELOPMENT MIXED USE (PDMU) ZONING DISTRICT**

A public hearing was held to consider amending the Zoning Ordinance to create a new zoning district, Planned Development Mixed Use (PDMU), to allow residential and neighborhood scaled commercial development based on recommendations contained within the New Baltimore Service District Plan. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

ORDINANCE

ZONING ORDINANCE TEXT AMENDMENT FOR THE ADDITION

OF THE PLANNED DEVELOPMENT MIXED USE (PDMU)

ZONING DISTRICT: AMEND ARTICLE 3, PART 3-100 (DISTRICTS);

ARTICLE 3, PART 2, 3-200 (PURPOSE AND INTENT);

ARTICLE 4 (OVERLAY DISTRICTS); ARTICLE 7, PART 7-703

(TREE CANOPY REQUIREMENTS); AND ARTICLE 11, 11-102.3

(TRANSMISSION TOWERS)

WHEREAS, the recently revised New Baltimore Service District Plan recommends that the County's Zoning Ordinance be amended to include a Planned Development Mixed Use (PDMU) zone to further the goals of Comprehensive Planning; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on the proposed Planned Development Mixed Use (PDMU) zoning district and after holding the public hearing, unanimously recommended to the Board of Supervisors the enactment of the proposed Planned Development Mixed Use Zoning category and related amendments; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That Article 3, Part 3-100 (Districts), Article 3 Part 2, Article 7, and Article 11 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

#### ARTICLE 3

#### PART 1        3-100        DISTRICTS

For the purpose of this Ordinance, the following zoning districts and groups of zoning districts are established.

#### **RURAL ZONING DISTRICTS**

Conservation District ..... RC

Agriculture District..... RA

Rural Residential District..... RR-2

#### **RESIDENTIAL ZONING DISTRICT**

Residential - Village District..... V

Residential District, 1 Dwelling

Unit/Acre..... R-1

Residential District, 2 Dwelling

Units/Acre..... R-2

Residential District, 4 Dwelling

Units/Acre..... R-4

Residential District, Townhouses..... TH

Residential District, Garden

Apartments..... GA

Residential District, Manufactured

Dwelling Park..... MDP

#### **COMMERCIAL ZONING DISTRICTS**

Commercial - Neighborhood C-1

Commercial - Highway C-2

Commercial - Shopping Center

Community/Regional C-3

Commercial - Village CV

#### **INDUSTRIAL ZONING DISTRICTS**

Industrial Park I-1

Industrial General I-2

#### **PLANNED DEVELOPMENT DISTRICT**

Mixed Use.....PDMU

#### **PART 2 3-200 PURPOSE AND INTENT**

These districts are established to promote the orderly development of the several areas in a manner consistent with the uses for which they are suited. The regulations relate to the district which they affect and are designed to serve the welfare of those

who own and/or occupy land in those districts. In the delineation of these districts, careful consideration is given to the predominant use and character, physical limitations, accessibility, the ability of the County to provide public services, and environmental consequences of the various uses. The regulations represent an effort to balance property rights and the health, safety and general welfare of all citizens.

1. **The Conservation (RC) District** contains those mountains which are environmentally sensitive, have physical limitations and contain much of the County's timber resource. The regulations are designed with emphasis on the conservation of these areas to minimize the potential adverse environmental impact while providing for compatible very low-density residential uses.

2. **The Agriculture (RA) District** generally contains those areas where agriculture and forestry are the predominant uses or where significant agricultural lands or large lot farmette type residential development exists. The regulations are designed to assist in the protection and preservation of the agricultural uses and to mitigate land use conflicts between agricultural uses and appropriately limited residential development.

3. **The Rural Residential (RR-2) District** reflects the existence of rural residential development and/or those areas where agriculture and forestal activity is not the predominant use, and the soils and lot sizes are not generally suited for same.

4. **The Village (V) District** reflects the existence of small communities which historically have provided social and economic services to the rural areas. The regulations are designed to recognize the mixed-use character of the village, encourage its rural service functions, and to provide for appropriate expansion of the village while maintaining its rural qualities. In addition to allowing home occupations as a right, this district can accommodate cottage industries where appropriate.

5. **The Residential (R-1, R-2 and R-4) Districts** are intended to promote and maintain single family residential communities, planned unit development at similar densities and non-residential uses consistent with the density, size and character of the districts. The R-2 and R-4 Districts are restricted to those areas designated as Service Districts in the Comprehensive Plan. The R-1 District is a general purpose District to be used in settlements and other areas of similar character.

6. **The Townhouse (TH) and Garden Apartment (GA) Districts** are intended to promote and maintain multi-family residential communities at various densities and to permit non-residential uses consistent with the density and character of the district. These districts are restricted to those areas designated as Service Districts in the Comprehensive Plan and require the provision of central water and sanitary sewer systems.

7. **The Manufactured Dwelling Park (MDP) District** is intended to accommodate the need for manufactured dwelling housing in an environment which promotes the health, safety and general welfare of its inhabitants. The District requires the

provision of central water and sanitary sewer systems.

**8. The Commercial - Neighborhood (C-1) District** is generally a town center type district allowing neighborhood commercial activities and some residential uses. Its main purpose is to provide areas for neighborhood type retail and service convenience shopping. The areas should be located so as to provide pedestrian access from nearby neighborhoods. The size should relate to the neighborhoods served and the configuration should allow for internal pedestrian movement.

**9. The Commercial - Highway (C-2) District** is designed primarily to allow highway related commercial uses where vehicle access is the norm. It contains general commercial establishments serving the needs of the motoring public and the local needs for general commercial in which establishments are automobile oriented or are freestanding businesses where automobile access is the norm. These areas should be located so as to provide convenient automobile access while at the same time not overly congesting the transportation facilities. In general, primary highway access should be a prerequisite. The uses allowed contain a minimum of overlap with uses allowed in the C-1 and C-3 Districts to assure the appropriateness of uses vis-a-vis the areas designated and compatibility among uses.

**10. The Commercial - Shopping Center, Community/Regional (C-3) District** is designed primarily for the larger shopping center type needs. Community and Regional type needs are provided for. The acreage location thereof should relate to the needs of the trade area that will be served as well as the interrelationship among the planned areas. Site access, availability of public utilities and internal pedestrian movement are also considerations in area designation.

**11. The Commercial - Village (CV) District** is designed to allow commercial activities appropriate to the needs of the villages, recognizing the rural service function of such communities.

**12. The Industrial Park (I-1) District** is designed for industry where primary activity is conducted in completely enclosed structures. It allows for public access type industrial and commercial uses generally related to the industrial activities. In general the district contains uses which have minimal environmental impacts.

**13. The Industrial General (I-2) District** is designed for heavier type industry where operation and/or significant storage is outdoors or in a partially enclosed area. Public access uses are discouraged in the district because of the nature of uses permitted.

**14. The Planned Development Mixed Use (PDMU) District** is designed to allow residential and neighborhood scaled commercial development.

#### PART 4 3-400 use regulations

The requirements in the chart below and the following footnotes pertaining thereto

are established as indicated.

#### FOOTNOTES:

1. The density shown does not necessarily represent the permitted density that will be allowed for any given lot. See 2-308 and 3-301 for specifics. The density shown is the maximum possible. Where non-common open space is platted one dwelling unit shall be allocated to each parcel thereof. For family transfers approvable in accordance with 2-39, 3, (A) of the Subdivision Ordinance for lots of less than ten (10) acres existing as of May 21, 1981, the maximum allowable density shall be .4 dwelling units per acre in the RA and RC zoning district.
2. Minimum lot width and yard requirements for cluster development shall be the same as those for the least dense Residential or Rural Zoning District in which such cluster development would be allowed (with respect to lot size), as a conventional development. See Section 2-414 for corner lots.
3. Applies to mobile home lots; state road frontage not required for individual mobile home spaces.
4. Minimum yard for Commercial and Industrial zoning districts is the distance shown (if greater than zero) or height of building, whichever is greater. Minimum yard is zero where so shown, irrespective of building height.
5. Side yard requirement applies to end units only. In single family attached developments with other than row house configurations, yard requirement applies to all external units.
6. If a yard is provided where not required, it shall be not less than twelve (12) feet wide.
7. Maximum building height may be increased in accordance with Sections 5-2400.
8. For cluster requirements in all Residential and Rural Zoning Districts, see Section 2-406.
9. For residential developments - administrative lots and family transfers as defined in the Subdivision Ordinance - lot size and bulk requirements shall be shown for conventional developments in the R-1 District. For family transfers - the minimum lot size of the residue parcel shall be two (2) acres.
10. Where a lot does not front on a street, the minimum front yard requirement shall be fifteen (15) feet, which yard shall not include any part of the parking area or driveway. Such yard shall be measured from the front lot line.
11. In no case shall less than one-half (1/2) of the required front yard be within the lot. (Referring to Section 3-404, "Minimum Front Yard".)
12. NOTE: Front yards shall be measured from the centerline of street, or centerline of nearest pair of lanes in the case of a street with more than two lanes.
13. For residential development in the RA or RC zoning district wherein less than 85

percent open space is desired see Paragraph 5-2600 for standards.

14. In the RA and RC zoning districts, the 85 percent open space requirement is not applicable to lots of less than 30 acres. For lots less than 50 acres and greater than 30 acres, the Commission may reduce the open space requirement if it determines that a lesser amount would accomplish the purposes of 2-406.5.

15. In the TH Zoning District, the density, lot size, lot width and bulk requirements shall be the same of conventional developments in the R-4 Zoning District.

GENERAL NOTES: A hyphen as an entry in the chart above indicates that either that item is not applicable or that the particular item is not regulated in that case.

## PART 5 3-500 USE LIMITATIONS

### 3-501 All Districts

1. Except as otherwise qualified in this Ordinance, all uses shall comply with the performance standards set forth in Article 9.

2. In addition to regulations of this Ordinance, junkyards shall be subject to the provisions of Chapter 3 of the Code of Virginia, Automobile Graveyards.

### 3-502 All Residential Districts

No sale of goods or products shall be permitted except as accessory and incidental to a permitted, special permit or special exception use.

### 3-503 All Rural Districts

In the Rural Zoning Districts, agriculture and forestry are the preferred use. The operation at any time of any machinery used in farming and forestry procedures and all other agricultural operations shall be permitted and have preference over all other uses.

### 3-504 All Commercial and Industrial Districts

1. On a corner lot no entrance shall be located closer than sixty (60) feet to the right-of-way line of the intersecting streets.

2. Except where frontage is on a service drive, a freestanding use shall have no more than two (2) entrances on any single right-of-way and such curb cuts shall have a minimum distance of forty (40) feet between them.

3. Except on a cul-de-sac, no entrance shall be located closer than twenty (20) feet to a side or rear lot line unless a common entrance serves adjacent uses, and in no instance shall the distance between entrances serving adjacent land uses be less than

forty (40) feet.

4. Outdoor storage and display areas shall be permitted only on the same lot with and ancillary to a permitted, special permit or special exception use. The outdoor area devoted to storage, loading or display of goods shall be limited to that area so designated on an approved site plan.

5. All Commercial and Industrial 1 Districts:

A. All outdoor storage and loading areas shall be enclosed by screening, and areas devoted to outdoor display of goods offered for sale or rental shall be screened when such areas abut a residential district at a side or rear lot line or are separated by an alley.

B. Motor vehicle storage and impoundment facilities shall be used only for temporary storage of wrecked and/or inoperable and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof. Such storage and impoundment facilities shall be completely screened from view, and shall not be located in any required front yard.

6. All Industrial Districts: Not more than twenty-five (25) percent of the area in a required front yard shall be used for off-street parking and loading, and not less than fifty (50) percent of a required front yard shall be landscaped.

3-505

Manufactured Dwelling Park District

1. No space in a manufactured dwelling park shall be rented for residential use except for periods of thirty (30) days or more and no manufactured dwelling shall be located in any park unless it can be demonstrated that it meets the requirements of the Manufactured Dwelling Manufacturers Association "Manufactured Dwelling Standards for Plumbing, Heating and Electrical Systems".

2. All manufactured dwelling parks shall meet the requirements for same as set forth in the Virginia Uniform Statewide Building Code. The issuance of zoning and building permits is required prior to the location of each manufactured dwelling in a manufactured dwelling park.

3. All manufactured dwelling parks shall be subject to approval of a site plan in accordance with the provisions of Article 12.

4. Every manufactured dwelling space shall be shown on the site plan and clearly defined on the ground by permanent monuments. Such manufactured dwelling space shall not be put to record, shall not constitute a division or subdivision of land and shall not be transferred independently. However, streets, drainage, fire hydrants, and similar improvements shall be provided in accordance with standards contained in the Subdivision Ordinance.

5. Every manufactured dwelling space shall be provided with a manufactured dwelling stand so designed to provide adequate support to the maximum anticipated loads during all seasons, and so located as to provide for the practical placement of a manufactured dwelling and its manufactured dwelling accessory structure in such a manner that such manufactured dwelling shall comply fully with all requirements of this Ordinance.

6. No structure shall be attached to any manufactured dwelling except for manufactured dwelling accessory structures as defined in this Ordinance. Manufactured dwelling accessory structures shall not exceed the height of the manufactured dwelling to which they are attached, nor will they exceed a height of eight feet if detached. The total of all manufactured dwelling accessory structures located on any one manufactured dwelling space will not exceed 500 square feet.

7. All areas designated as open space in the site plan shall be reserved for the exclusive use of the manufactured dwelling park's residents. The remaining area not available to the residents shall be used only by the manufactured dwelling park management for the operation and maintenance of the park.

8. All manufactured dwelling space shall abut on a driveway or private street, with unobstructed access to a public street.

9. All private streets and driveways within a manufactured dwelling park shall be constructed in accordance with the provisions of Part 3 of Article 7, Private Streets.

### 3-506 Townhouse and Garden Apartment Districts

1. Not more than eight (8) dwelling units shall be located in one row of continuous townhouse units or in one continuous group of cluster homes.

2. Not more than 24 dwelling units shall be contained in a single apartment building.

3. A separate entrance to a public street shall be provided for each thirty (30) dwelling units.

## PART 6 3-600 ADDITIONAL REGULATIONS

### 3-601 All Residential Districts

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

2. Refer to Article 7, for off-street parking, loading and private street provisions.

3. Refer to Article 8 for regulations on signs.

**11-101      Purpose.** The purpose of this ordinance is to establish the general

guidelines for the site of personal wireless facilities, towers and antennas. The goals are:

- (1) Establish a hierarchy in the type, location and procedures for personal wireless facilities, telecommunication towers and facilities;
- (2) The locations of personal wireless facilities and telecommunication towers, in excess of 80 feet, are permissible only when it is technically justified due to unique environmental and terrain features and technological constraints, which preclude personal wireless service within the height standards;
- (3) The joint use of new and existing telecommunication towers and facilities should be encouraged;
- (4) (4) The location of personal wireless facilities, with the exception of lattice towers and guyed towers, will be allowed in all zoning district categories, subject to specific siting and design guidelines;
- (6) The users of telecommunications towers and antennas should locate them, to the extent possible, in areas where the adverse impacts on the community are minimal;
- (7) The users of personal wireless facilities, telecommunication towers and antennas should configure them in a way that minimizes the adverse-impacts and visibility of these facilities;
- (8) To promote and maintain the following order of preference for location, siting and design:
  - Location. The most preferred areas for personal wireless service facilities are those that have concentrations of employment and mature tree stands. The least preferred areas for personal wireless service facilities are in existing residential areas or natural resource areas.
  - Siting. The most preferred siting for personal wireless service facilities are on existing structures where the facilities would not be highly visible and within trees with only the antenna

arrays above the tree tops. The least preferred sitings are in open fields or areas, or on highly visible rooftops.

- The most preferred design for personal wireless service facilities will be on the shortest possible mount with dual-polarization or omnidirectional antennas. Monopoles with triangular platforms are next in preference, while guyed towers and lattice towers are strongly discouraged.

**Definition.** Telecommunication Use and/or Structure: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services.

A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Amateur radio towers are not "existing structures" for the purposes of Section 11-102.1.a. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

- b. **Antenna:** any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.
- c. **Monopole:** a single, self-supporting pole type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. A monopole shall not be deemed a transmission tower.
- c. **Transmission Tower.** A lattice type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio. New construction of lattice towers and guyed towers is strongly discouraged for personal wireless service facilities.
- d. **Commercial Mobile Services.** These will include the following five services:

- Cellular;
  - Personal Communications Services (PCS);
  - Paging;
  - Specialized Mobile Radio (SMR); and
  - Enhanced Specialized Mobile Radio (ESMR).
- e. **Personal Wireless Service Facilities.** These are facilities that support personal wireless services and shall include:
- A mount, often a pole, a roof or a wall.
  - A base station, including equipment shelter or equipment cabinets.
  - Antenna(s), usually in an array, but also possible as a single unit.
- f. **Mounts.** The following are mounts for personal wireless facilities:
- Poles, including monopoles, utility poles and masts.
  - Roofs, either of a building or a roofed structure, such as a water tank.
  - Wall, either of a building or some other structure.
- g. **Height.** When referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

**11-102      Telecommunications Use And/Or Structures.** The following performance standards shall be applied to telecommunication uses and/or structures, including amateur radio antennas.

1. **Antennas.** Structure mounted and rooftop mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the specified zoning district.

- a. Antennas and related unmanned equipment are permitted by-right on an existing telecommunication monopole, tower or structure, with no increase in height, in all zoning districts subject to the performance standards outlined in this section. Increasing the height of an existing structure for a telecommunication facility must comply with the special exception process and zoning district locational requirements outlined in Section 11-102.2.a.
- b. Notwithstanding the height requirements in Sections 11-102.2.c and 11-102.3, antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public or quasi-public use, e.g., a water tower, or fire and/or rescue company.
- c. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
- d. When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public views. Personal wireless facilities which are side-mounted on a wall of a building or a structure shall blend with the existing building's architecture, and the panels shall be painted or shielded with material consistent with the design features and materials of the building.
- e. Directional or panel antennas shall be of a material or color, which matches the exterior of the building or structure.
- f. No commercial advertising shall be allowed on any antenna.
- g. Signals or lights or illumination shall not be permitted on any antenna, unless required by Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
- h. The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. The structure shall be of a material or color, which

matches the exterior of the building or structure.

- i. If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

**2. Personal Wireless Facilities.** These facilities are allowed in all zoning district categories by right, subject to meeting the following performance criteria. The applicant shall file a site plan with supporting documentation adequate to demonstrate that the following standards have been met:

- a. Location. Any new personal wireless facility shall be located in areas that are:
  - (1) 1,000 feet or more from an adjoining property's existing residential unit; or
  - (2) 300 feet or more from an adjoining property's existing residential unit, when the facility is centered and surrounded by preserved woodland with a minimum radius depth of 100 feet;
  - (3) 100 feet from the public highway, street or road, when the facility is centered and surrounded by preserved woodland with a minimum radius depth of 100 feet;
  - (4) 5,000 feet from a federal, state or county park or wildlife management area. For purposes of this section, the term "wildlife management area" shall mean the Chester Phelps Wildlife Management Area and the G. Richard Thompson Wildlife Management Area, or any other geographical area within the county designated by the Commonwealth of Virginia as a wildlife management area; or
  - (5) On a County, Fauquier County Water and Sanitation Authority or fire and rescue company site:
    - The personal wireless facility shall not interfere with any signal from existing equipment of the primary user; and
    - The setback provisions of this ordinance shall not apply.

- (6) Poles shall not be located along ridgelines, but downslope from the top of ridgelines, to protect views of the County mountains.
- b. Siting. Any new personal wireless communications facility shall be placed in sites that are:
- (1) Surrounded by wooded areas for at least 100 feet on all sides; or
  - (2) On existing buildings when concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads; or
  - (3) On existing structures, including already constructed or permitted guyed towers and lattice towers; and
  - (4) Existing trees within 200 feet of any facility shall not be removed, except as may be authorized to permit construction of the facility and installation of vehicular access.
- c. Design. New facilities shall meet the following criteria:
- (1) Constructed no higher than eighty (80) feet from ground level to the highest part of the personal wireless facility, including all antennas;
  - (2) Equipped with dual-polarization or omnidirectional antennas, or another antenna alternative identified at site plan, which would be more efficient at the proposed location;
  - (3) Co-location is permitted on existing structures and telecommunication towers;
  - (4) Surrounded by a six (6) foot or higher security barrier, including a locked gate, for a ground-mounted pole and/or base station. For camouflaged facilities (e.g., a silo, with all components located inside the structure), an applicant can request this requirement be waived if all components are secured internally within the structure;

- (5) Antennas: All antennas shall be of a material or color that matches the exterior of the building or structure;
- (6) No commercial advertising shall be allowed on any portion of the facility;
- (7) Signals or lights or illumination shall not be permitted on any portion of the facility, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County, except for security lighting at the base station (100-watt);
- (8) Fall zone criteria contained herein shall be met.
- (9) Equipment shelters and cabinets:
  - Shall be designed to be architecturally consistent, with respect to materials and appearance, to the buildings within the area of the facility;
  - If mounted on a rooftop, the equipment shall be concealed or camouflaged so that the shelter or cabinet either is not visible at grade or appears to be part of the structure.
- (10) Any personal wireless facility located on, within or near a historic site, shall not alter the character defining features, distinctive construction methods, or original materials of the site.

3. **Transmission Towers.** New lattice towers and guyed towers are excluded from the following districts: RR-2, R-1, R-2, R-4, TH, GA, MDP, PRD, **PDMU** and V categories.

Lattice and guyed towers are discouraged, but are permissible uses at heights greater than 80 feet as a special exception and only under the circumstances outlined in Section 11-101(2) and this section. Lattice towers, guyed towers, monopoles and related unmanned equipment structure(s) may be developed as a special exception use, subject to the following criteria and guidelines:

a. **Zoning Application Category.** New personal wireless facilities

which cannot achieve the standards in Section 11-102.2 shall require special exception approval, subject to findings of fact based on the following criteria:

- Location: Due to topography, forested areas, and floodplain barriers, environmental factors provide, to an equal degree, adequate buffer and camouflaging to reduce the 1,000 foot setback from a residential unit;
- Siting: A new personal wireless service facility may be a pole that is sited outside of existing trees, or in an area surrounded by less than 100 feet of trees in all directions, if the design is mitigated or camouflaged in such a way to be less visible than if it were in the trees;
- Design: A new personal wireless service facility may be higher than 80 feet, provided that the omnidirectional or dual-polarization antennas are no higher than 10 feet above the average tree top height; or
- Special Circumstances: A telecommunication tower facility up to 120 feet in height is permissible upon technical demonstration that environmental and topographical constraints, as well as available technology used, cannot provide acceptable service at a lower height. Such a facility needs to be designed to accommodate co-location; or

With the exception of emergency communication tower facilities, a personal wireless or telecommunication facility proposed in excess of 120 feet in height is an application of last resort. The applicant/carrier must technically justify that: (a) all existing structures, site and height alternatives have been exhausted; and (b) the facility proposed is at the minimum height, based on the best available technology, to adjust to the identified environmental and topographical constraints, for the established service carrier, and without the site at the requested height, service cannot be provided.

The applicant must submit, prior to special exception application, any telecommunication facility proposal, greater than 120 feet in height, to the Architectural Review Board (ARB) for review and recommendation. Its application review will focus on Sections 11-102.3.a (location and siting) and 11-102.3.b.14 (assessment of

historic resources and Scenic Byways impacts), as well as the Comprehensive Plan. ARB recommendations shall be transmitted to the Community Development Director no later than 30 days after its scheduled meeting; otherwise, it will be deemed as a recommendation for approval.

Proposed monopole, lattice and guyed towers greater than 80 feet in height shall be located only in the RA, RC, C-1, C-2, C-3, I-1, I-2, CV or the PCID Zoning Districts. The performance standards are listed in Sections 11-102.2, 11-102.2.b and 11-102.2.c.

- b. General Performance Criteria: All personal wireless or telecommunication facilities, whether permitted by right or permissible with the approval of a special exception or special permit application, shall be subject to the following submittal standards and criteria:
  - (1) Before proceeding to the zoning/building permit phase, new telecommunications towers and facilities are subject to the County site plan review and approval process.
  - (2) The proposed telecommunication tower or monopole, and associated uses and equipment shelters, shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility should be located in the interior of the property, and areas of existing vegetation, if applicable, shall be used to screen the facility.
  - (3) New telecommunication facilities greater than 80 feet in height shall be designed to accommodate co-location, complete with the engineering report attesting to that capacity, unless the Applicant is able to certify:
    - (a) Doing so would create an unnecessary visual impact on the surrounding area; or
    - (b) No additional need is anticipated for any other potential user in the vicinity; or
    - (c) There is some valid economic, technological or

physical justification as to why collocation is not possible.

The applicant shall identify the conditions under which future collocation by other service providers is permitted.

- (4) The height of new towers shall be limited based on technological need, type of facility location, and/or required permit approval.
- (5) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.
- (6) Any telecommunication facility and antenna located in a district or immediately adjacent to a district permitting residences shall be located to a height that is equal to or less than the distance from the base of the antenna, tower or monopole to the closest property line, (1) one foot setback for each (1) one foot of facility height. Within and adjacent to districts not allowing residences, telecommunication towers or monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Associated structures and buildings, in both instances, may be constructed within the setback areas of the tower or monopole, however, they must meet all setback requirements for primary structures for the specific zoning district in which they are located.
- (7) Unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.
- (8) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers and monopoles shall blend with the background.
- (9) No signals or lights or illumination shall be permitted on a tower or monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the

County. These structures must either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color to reduce visual impact.

- (10) No commercial advertising or signs shall be allowed on a tower or associated structures.
- (11) No tower or monopole shall be located within a County designated historic district.
- (12) Special exception conditions for approval, established by the Board of Supervisors, may include reasonable limitations on the time period upon which the commercial telecommunications use(s) cease, before the tower or monopole will be required to be removed. Removal is subject to the terms identified in 11-107.2. The site shall be restored as closely as possible to its original condition.
- (13) Applicants for any commercial public telecommunication facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA.

A finding from the FAA that the proposed facility is not a hazard or obstruction to public and private aviation fields is necessary prior to the issuance of a zoning permit. Such a finding is required, if a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of the Warrenton-Fauquier Airport.

- (14) When locating on Fauquier County Water and Sanitation Authority, or fire and/or rescue company site: 1) the telecommunication equipment shall not interfere with the existing equipment of the primary use; and 2) the setback provisions of Section 11-102.2.b(6) shall not apply.

In addition, the landscaping/buffering provisions of the ordinance may be reduced or waived if the site has been developed in accordance with Sections 11-103 and 11-104.

Applicants proposing a new telecommunication tower

or monopole within one (1) mile of a County designated historic district, historic resources designated within the Comprehensive Plan, or a Virginia Byway if a telecommunication facility is proposed on a property listed on the National Register of Historic Places, shall submit a minimum of three (3) visual simulations and written justification as to why the facility could not be sited elsewhere.

- (15) Telecommunication towers or monopoles shall

not be located along ridgelines, but downslope from the top of ridgelines, to protect views of the County mountains.

- (16) Applicants shall submit documentation, in written and graphic form regarding the service area to be provided by the proposed telecommunication tower or monopole. This includes propagation maps demonstrating that these facilities, with collocation capabilities, are no higher in elevation than necessary.

- (17) An application must include a licensed carrier either as an applicant or co-applicant.

c. Additional Submission Requirements. In addition to Section 5-011.II, The following additional information shall be submitted by applicants for towers or monopoles which require special exception or special permit approval:

- (1) A map showing the telecommunication system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed facility use to the utility system.

- (2) A statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

- (3) Photo imagery or other visual simulation of the

proposed telecommunication tower or monopole must be shown with the existing conditions of the site. This simulation shall be provided from a minimum of

three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

More specifically, a sight line presentation must be presented. A sight line shall be drawn from the three closest residential units included in the vicinity plan to the highest visible point on the personal wireless facility. If there are no residential units in the mandatory setback distance, reference 11-102.2a (1) and (b), the public rights-of-way will be used.

Each sight line shall be depicted in profile, drawn at 1 inch equals 40 feet. The profiles shall show all intervening tree masses and buildings. In the event there is only 1 or 2 residential buildings on the vicinity plan, there shall be at least two sight lines from the closest habitable structures if any.

Photographs: (1) 4 x 6 inch photograph from three perspectives demonstrating existing conditions, one sight line from each residential unit; (2) photosimulation from the same three perspectives with the proposed personal wireless facility included. If there are no residential units in the project area, then views shall be from the public rights-of-way.

- (4) Except for areas where permitted by right, an applicant for the proposed telecommunication facility must demonstrate that an antenna location on an existing facility is not feasible.

The County's objective is that no new tower/monopole shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower, monopole or structure can accommodate the applicant's proposed antenna.

The applicant shall evaluate through an engineering report the existing telecommunication facilities and structures 80 feet or greater in height within a one (1) mile radius of the proposed facility when located in a designated Service District of the Comprehensive Plan.

Elsewhere in the County, the applicant shall evaluate through an engineering report the facility and structure locations, 80 feet or greater in height, within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining site feasibility.

**Collocation may be determined not to be feasible in the following situations:**

- (a) The planned equipment would exceed the structural capability of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
  - (b) The planned equipment will cause interference with other existing or planned equipment for that telecommunication facility, and that interference cannot be prevented at a reasonable cost;
  - (c) Existing or approved telecommunication facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
  - (d) Existing and approved telecommunication facilities will not provide adequate signal coverage.
- (5) In addition to those entitled to notice under the provisions of the Zoning Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 13-111, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowner associations and groups in the area.
- (6) The carrier shall provide a copy of Form 600 on file with the FCC, and its FCC license (Radio Authorization Form).

- (7) The application shall show relationship to other personal wireless service facilities, including those existing and proposed by the carrier/applicant. The nearest existing sites for other carriers in at least four directions (north, south, east and west), as well as those proposed by other carriers on file in Fauquier County and with VDOT.

**11-103      Landscaping and Buffer Requirements.** The following landscaping and buffering requirements shall apply to all telecommunication facilities.

1. Security Fencing. Facilities shall be enclosed by security fencing not less than six (6) feet in height.
2. Landscaping. The telecommunications facility shall be landscaped with a mix of hedge and trees to screen internal communications buildings from adjacent properties. The standard buffer should consist of an area 10 feet in width outside of the fenced area. Plantings will comply with Zoning Ordinance landscaping requirements.
3. Existing mature tree growth and natural land forms onsite shall be preserved to the maximum extent possible. In special exception applications, the Board of Supervisors may determine that the natural growth surrounding the property perimeter may be sufficient as the required buffer.
4. Existing trees within 200 feet of the telecommunications tower or monopole shall not be removed, except as may be authorized to permit construction of the facility and installation of vehicular access.

**11-104      Modifications.** Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances, excluding approved special exception and special permit conditions. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

1. The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if demonstrated that the topography of the lot providing buffer yard and the lot being protected is such that the required buffer yard would not be effective.
2. The Zoning Administrator may waive, reduce or modify buffer yard

requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

**11-105 Maintenance.**

1. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.
2. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
3. Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

**11-106 Bond/Cash Deposit Requirements.** In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

**11-107 Removal of Abandoned Antennas and Towers**

1. Annual Report. The owner of each antenna or tower shall submit a report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.
2. Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunications towers, fence footers, underground cables and support buildings. The buildings and foundation may remain with the landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**11-108 Appeals.** Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 13-300.

**11-109 Planning Commission.** On any application for a telecommunication facility pursuant to Section 15.2-2232(F) of the Code of Virginia, the Planning Commission's decision shall comply with the requirements of

the Federal Telecommunications Act of 1996. Failure of the Commission to act on any such application for a telecommunications facility under Subsection A submitted on or after July 1, 1998, within ninety days of such submission, shall be deemed approval of the application by the Commission, unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time.

The Board may extend the time required for action by the local Commission by no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Commission.

## ARTICLE 7

### PART 6 7-600 Tree Canopy, Landscape and Buffer Requirements

#### 7-603 Tree Canopy Requirements

1. **Site Planning.** Clearcutting of trees for non-residential and residential projects requiring site plans shall be limited to only those essential areas necessary for required loading, parking, public and private streets, stormwater management facilities, and buildings. Preservation of existing tree stands is a priority, with planting credits provided herein. All Major and Minor site plans shall include the planting and replacement of trees to the extent that, at maturity of ten (10) years, a minimum tree canopy shall be provided as follows:

a. Ten (10) percent tree canopy for properties zoned commercial or industrial in the C-1, C-2, C-3, CV, I-1, I-2, PCID, PRD, **PDMU** or any subsequent zoning district established with these associated use categories.

b. Fifteen (15) percent tree canopy for nonresidential uses allowable in RC, RA, RR-2, V, R-1, RR-2, R-4, TH, GA and MDP districts, as well as for garden apartments (GA), townhouses (TH), manufactured dwelling park (MDP), PRD, **PDMU** or any other planned unit development including these latter use categories.

## ARTICLE 4

### special and OVERLAY DISTRICT REGULATIONS

#### PART 0 special and OVERLAY DISTRICTS IN GENERAL

#### 4-001 Special and Overlay Districts

For the purpose of this ordinance, the following special and overlay

districts are established:

Planned Residential Development District (PRD)

Affordable Housing Overlay District (AH)

Historic Area Overlay District (HA)

Floodplain Overlay District (FP)

Airport Area District (AP)

Planned Commercial Industrial Development District (PCID)

Planned Development Mixed Use District (PDMU)

4-002

#### General Provisions

1. Purpose and Intent -- Special and overlay districts as established hereafter are created for the purpose of imposing special regulations in designated areas of the County to accomplish the stated purposes that are set forth for each district. Special districts are districts that are separately zoned and intended to allow for and encourage types of development other than that normally associated with conventional zoning districts. Overlay districts, on the other hand, are not separate districts but are for the purpose of establishing additional standards and requirements which shall overlay and overlap all other zoning districts within which land placed in each district shall also lie. As such, any parcel of land contained in an overlay district shall also lie in one or more of the other underlying zoning districts provided for in this ordinance.

2. Establishment -- Special districts, overlay districts and amendments thereto shall be established in the manner provided for all the Sections of this ordinance below regulating such districts and by the procedures set forth in Article 13 of this Ordinance, unless such procedures are qualified or modified by the provisions of a particular special or overlay district as set forth herein.

## **PART 1 4-100 SPECIAL DEVELOPMENT - PLANNED RESIDENTIAL DISTRICT**

### **4-101 PURPOSE AND INTENT**

The Planned Residential District (PRD) is intended to permit development in accordance with the Comprehensive Plan of a mixed-use community

which is under one ownership or control. Planned Residential Developments shall be planned and developed as a single entity, subject to an approved Development

### **ZONING ORDINANCE TEXT AMENDMENT RELATING TO SEWAGE TREATMENT FACILITIES**

A public hearing was held to consider amending the Zoning Ordinance relating to alternative sewage treatment facilities in order to bring sections of the Zoning Ordinance into conformance with Virginia Department of Health regulations. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

### **ORDINANCE**

#### **ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 5-2002.5, 15-300 AND 3-320.7 REGARDING THE REVISION AND CLARIFICATION OF THE SPECIAL EXCEPTION STANDARDS FOR SEWAGE TREATMENT SYSTEMS**

WHEREAS, the Fauquier County Zoning Ordinance, Article 15-300 (Definitions) states that a Sewage Treatment Facility is a facility which digests and/or treats sewage, including individual systems other than those classified as Type I or II in the State Health Regulations; and

WHEREAS, the Fauquier County Zoning Ordinance presently requires a special exception for Sewage Treatment Facilities (Type III Systems) for all parcels; and

WHEREAS, the Fauquier County Zoning Ordinance, Article 5-2002.5 (Public Utilities, Standards) requires a special exception for private aerated package sewage treatment facilities that discharge only to repair a failing drainfield as certified by the Virginia Department of Health and does not require a Certified Operator to manage any commercial system; and

WHEREAS, Fauquier County needs to update the Zoning Ordinance for consistency with Virginia Department of Health regulations; and

WHEREAS, these amendments will result in special exception applications for any treatment system greater than 1,200 gallons per day, any system designated for experimental or provisional use, and any system requiring discharge into an open ditch or water as a means of disposal; and

WHEREAS, alternative Type III systems permitted by the Virginia Department of Health, which do not discharge to an open ditch or water, will no longer require special exception approval; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of May 2000, That Articles 5-2002.5, 15-300 and 3-320.7 are amended and subject to the specifications contained in the amendment to allow by special exception: a private individual sewage treatment system, which discharges into an open ditch or water, only to replace a failed system serving an existing use, and a private sewage treatment system may be allowed for new construction only for Commercial or Industrial uses outside of service districts provided that the system is operated under the control of the Fauquier County Water and Sanitation Authority or a Class III wastewater operator.

**ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 5-009.5 AND 5-009.7, SPECIAL PERMITS AND SPECIAL EXCEPTIONS, APPLICATION FOR SPECIAL PERMIT OR SPECIAL EXCEPTION; SECTION 13-304.3, APPEALS, DECISION ON APPEALS; AND SECTION 13-402.4, VARIANCES, AUTHORIZATION TO REVISE CURRENT LANGUAGE TO EXTEND THE STATUTORY TIME TO NINETY (90) DAYS FOR THE BOARD OF ZONING APPEALS TO MAKE A DECISION ON AN APPEAL AND A VARIANCE**

A public hearing was held to consider amending the Zoning Ordinance to revise current language and to extend the statutory time to ninety (90) days for the Board of Zoning Appeals to make a decision on an appeal and a variance. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**ORDINANCE**

ZONING ORDINANCE TEXT AMENDMENTS TO ARTICLE 5, SPECIAL PERMITS AND SPECIAL EXCEPTIONS, PART 5, GENERAL PROVISIONS, SECTIONS 5-009 5. AND 5-009 7. APPLICATION FOR SPECIAL PERMIT OR SPECIAL EXCEPTION; ARTICLE 13, ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES, PART 3, APPEALS, SECTION 13-304 3., DECISION ON APPEALS; AND PART 4, VARIANCES, SECTION 13-402 4., AUTHORIZATION; TO REVISE CURRENT LANGUAGE AND TO EXTEND THE STATUTORY TIME TO NINETY (90) DAYS FOR THE BOARD OF ZONING APPEALS TO MAKE A DECISION ON AN APPEAL AND A VARIANCE

WHEREAS, the Fauquier County Zoning Ordinance, Article 5, Special Permits and Special Exceptions, Part 5, General Provisions, Section 5-009 5. currently does not state that an application is considered officially filed if the Department accepts it after review; and

WHEREAS, the Fauquier County Zoning Ordinance, Article 5, Special Permits and Special Exceptions, Part 5, General Provisions, Section 5-009 5. currently allows the Planning Commission to forward a recommendation concerning a proposal to the Board of Supervisors not later than its next regular monthly meeting; and

WHEREAS, the Fauquier County Zoning Ordinance, Article 13, Administration, Amendments, Violations and Penalties, Part 3, Appeals, Section 13-304 3. currently allows the Board of Zoning Appeals to render a decision on an appeal within sixty (60) days after it is received; and

WHEREAS, the Fauquier County Zoning Ordinance, Article 13, Administration, Amendments, Violations and Penalties, Part 4, Variances, Section 13-402 4. currently allows the Board of Zoning Appeals to render a decision on a variance within sixty (60) days after it is received; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of May 2000, That Articles 5 and 13 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

ARTICLE 5, SPECIAL PERMITS AND SPECIAL EXCEPTIONS, PART 5,  
GENERAL PROVISIONS, SECTIONS 5-009 5. AND 5-009 7., APPLICATION FOR  
SPECIAL PERMIT OR SPECIAL EXCEPTION

5-009                    Application for Special Permit or Special Exception

5. Application for a special exception shall be submitted not later than forty (40) calendar days prior to the first Planning Commission meeting at which it ~~will~~ may be considered and must be filed not later than thirty (30) calendar days prior to said meeting. An application is considered officially filed if the Department accepts it after

review. At ~~that~~ the first meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110. The Commission shall, not later than its next regular monthly meeting, unless an extended period is mutually agreed to by the applicant and the Commission, forward a recommendation concerning the proposal to the Board. Failure to act at this time, unless tabled with the concurrence of the applicant, shall be deemed action to recommend approval.

7. The BZA or Board shall render a decision on all applications for special permits and special exceptions, respectively, not later than at its body's second regular monthly meeting following the hearing (except for cases delayed in accordance with Section 5-010). This time limit may be extended by either body through the consent of the applicant, ~~only~~ and if comments or reports have not been received from other agencies and/or review bodies (other than the Commission) which are either specified for a particular category or use, or are deemed necessary by the BZA or Board.

#### ARTICLE 13, ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES, PART 3, APPEALS, SECTION 13-304 3., DECISION ON APPEALS

##### 13-304 Decision on Appeals

3. The BZA shall render a decision on the appeal within ~~sixty (60)~~ ninety (90) days after receipt of same, unless the appellant and the BZA mutually agree to an extended period of time. In the event said decision shall not be rendered within said time period, the appeal shall be deemed to be denied.

#### ARTICLE 13, ADMINISTRATION, AMENDMENTS, VIOLATIONS AND PENALTIES, PART 4, VARIANCES, SECTION 13-402 4., AUTHORIZATION

##### 13-402 Authorization

4. The BZA shall render a decision on an appeal for a variance within ~~sixty (60)~~ ninety (90) days after receipt of same, unless the appellant and the BZA mutually agree to an extended period of time. In the event said decision shall not be rendered within said time period, the appeal shall be deemed to be denied.

#### **ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 12, SITE PLANS, SECTION 12-400, MAJOR SITE PLAN SUBMISSION AND PREPARATION PROCEDURE, SECTIONS 12-703.5 AND 12-703.6, REVIEW AND APPROVAL, TO DELETE SECTION 12-403, TO REVISE THE TIMELINE FOR SITE PLAN APPROVAL TO FIVE (5) YEARS IN SECTION 12-703.5, AND TO DELETE SECTION 12-703.6 AND ADD A NEW SECTION REFERRING TO SITE PLAN AMENDMENT REQUIREMENTS**

A public hearing was held to consider amending the Zoning Ordinance to delete an outdated site plan submission requirement to extend the timeline for site plan approval to five (5) years to be consistent with Section 15.2-2261 of the Virginia Code and to add a new section referring to site plan amendment

requirements. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

## ORDINANCE

### ZONING ORDINANCE TEXT AMENDMENTS TO ARTICLE 12, SITE PLANS,

PART 4, MAJOR SITE PLAN SUBMISSION AND PREPARATION PROCEDURE, SECTION 12-403; AND PART 7, ADMINISTRATION AND PROCEDURES, SECTION 12-703 5. AND 12-703 6., REVIEW AND APPROVAL; TO DELETE SECTION 12-403, TO REVISE THE TIMELINE FOR SITE PLAN APPROVAL TO FIVE (5) YEARS IN SECTION 12-703 5., AND TO DELETE SECTION 12-703 6. AND ADD A NEW SECTION REFERRING TO SITE PLAN AMENDMENT REQUIREMENTS

WHEREAS, the Fauquier County Zoning Ordinance, Article 12, Site Plans, Part 4, Major Site Plan Submission and Preparation Procedure, Section 12-403 currently allows all construction plans and profiles requiring written approval prior to site plan submission should be submitted to reviewing agencies at least sixty (60) days prior to the desired filing date; and

WHEREAS, the Fauquier County Zoning Ordinance, Article 12, Site Plans, Part 7, Administration and Procedures, Section 12-703 5. currently allows approval of a site plan pursuant to this Ordinance shall expire 18 months after the date of approval unless building permits have been obtained for construction; and

WHEREAS, the Fauquier County Zoning Ordinance, Article 12, Part 7, Administration and Procedures, Section 12-703 6. currently allows any site plan may be revised, provided a request for revision shall be filed and processed in the same manner as the original site plan; and

WHEREAS, the Fauquier County Board of Supervisors has held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of May 2000, That Article 12 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

ARTICLE 12, SITE PLANS, PART 4, MAJOR SITE PLAN SUBMISSION AND  
PREPARATION PROCEDURE, SECTION 12-403

12-403

~~All construction plans and profiles requiring written approval prior to site plan submission should be submitted to reviewing agencies at least sixty (60) days prior to the desired filing date.~~

ARTICLE 12, SITE PLANS, PART 7, ADMINISTRATION AND PROCEDURES, SECTION  
12-703 5. AND 12-703 6., REVIEW AND APPROVAL

12-703

Review and Approval

5. Approval of a site plan pursuant to this Ordinance shall expire ~~18 months~~ five (5) years after the date of approval unless building permits have been obtained for construction. Extensions may be granted upon written request by the applicant to the Director prior to lapse of approval, and extension of all bond and surety agreements.

6. ~~Any site plan may be revised, provided a request for revision shall be filed and processed in the same manner as the original site plan.~~ A site plan amendment may be filed if it was a previously approved site plan and it complies with the criteria for filing a site plan amendment. Revisions beyond the scope of the following shall require a new major or minor site plan application for review and approval by the Director and shall follow the parameters of Article 12 above:

- A. The improvements shall be minor in nature and not change the external traffic flow patterns;
- B. The gross floor area of existing buildings shall not be increased by more than thirty-five percent (35%);
- C. The proposed additional disturbed area shall not exceed 10,000 square feet;
- D. The proposed revision shall only require review by the Director and will not require review and concurrence by external review agencies (i.e., Fauquier County Health Department, Fauquier County Water and Sanitation Virginia Department of Transportation, etc.), if determined necessary;
- E. The submission requirements and accompanying documents for the site plan amendment application shall be consistent with the site plan requirements as identified in this

Ordinance as follows:

1. Zoning tabulations shall be revised, as required;
2. Lighting;
3. Parking;
4. Stormwater management and/or best management practices;
5. Erosion and sediment control;
6. Reference shall be provided on the plan denoting the original site plan number and approval date associated with the site plan amendment;
7. Revisions shall be highlighted on the original site plan and explained in detail within a project narrative.

Revisions beyond the threshold standards established for a site plan amendment shall require a new major or minor site plan application for review and approval by the Director, and shall follow Article 12 guidelines.

### **XIII. RENEWAL OF THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT**

A public hearing was held to consider the first renewal of the Thumb Run Agricultural and Forestal District for an eight year term. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

#### **ORDINANCE**

**AN ORDINANCE TO APPROVE THE FIRST RENEWAL OF THE**

THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT  
WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4311, Code of Virginia (1950) as amended, requires that local governing bodies renew Agricultural and Forestal Districts prior to the time of a district's expiration; and

WHEREAS, Thumb Run Agricultural and Forestal District is due to expire on July 7, 2000; and

WHEREAS, at such time of review, the local governing body must determine whether to continue, modify, or terminate the district; and

WHEREAS, all requirements of Section 15.2-4311, Code of Virginia, (1950) as amended have been met; and

WHEREAS, the Fauquier County Board of Supervisors have held a public hearing regarding this matter; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of May 2000, That the First Renewal of Thumb Run Agricultural and Forestal District be, and is hereby, adopted as follows:

- (1) That the First Renewal of the Thumb Run Agricultural and Forestal District is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.
- (2) That the First Renewal of the Thumb Run Agricultural and Forestal District is hereby renewed effective the 15<sup>th</sup> day of May, 2000, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4311, *Code of Virginia* (1950) as amended, and for a period of eight years.
- (3) That the First Renewal shall consist of the following parcels:

Owner Name	PIN #	Acres
Thomas, Ronald S. & Madeleine Gibbs	6929-50-6711	50.00
Thomas, Madeleine Gibbs Tee	6929-21-7542	149.72
Granger, Richard L. & Diana L.	6929-24-2370	50.00
Moore, Brian R. & Karen Z.	6929-15-5015	25.00

Lipsey, Suzanne Heintz Lipsey Tee.	6929-34-3165	50.21
Lordi, Lorraine	6929-22-6622	25.64
Lordi, Lorraine, Trustee	6929-32-4667	25.51
Masi, Jeffrey R. & Colley, Elaine K.	6928-97-2936	50.75
Masi, Jeffrey R. & Colley, Elaine K.	6928-89-9471	51.00
Masi, Jeffrey R. & Colley, Elaine K.	6928-99-7749	50.04
Masi, Jeffrey R. & Colley, Elaine K.	6929-71-9833	75.88
Masi, Jeffrey R. & Colley, Elaine K.	6929-91-3586	60.01
Masi, Jeffrey R. & Colley, Elaine K.	6939-01-8429	52.28
Massey, Dennis W. & Daryl M.	6929-52-2350	25.22

14 parcels 741.26

- (4) That the Renewal shall be effective May 15, 2000; and, be it

ORDAINED FURTHER, That the same conditions and restrictions shall apply to  
wit:

- (5) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
- (a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.
- (b) Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
- (c) No special exception permit shall be in conflict with the purposes for which the District was created.
- (6) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
- (7) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- (8) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the district, but the District shall

continue in effect until the review required by Section 15.2-4314 of the Code.

(9) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

(10) That the District will expire on July 7, 2008.

**THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT - 4TH ADDITION;  
MARSHALL/WARRENTON AGRICULTURAL & FORESTAL DISTRICT - 10TH  
ADDITION; MIDDLEBURG/MARSHALL AGRICULTURAL & FORESTAL DISTRICT -  
16TH ADDITION; AND UPPERVILLE AGRICULTURAL & FORESTAL DISTRICT - 8TH  
ADDITION**

A public hearing was held to consider the 4<sup>th</sup> addition to the Thumb Run Agricultural and Forestal District; the 10<sup>th</sup> addition to the Marshall/Warrenton Agricultural and Forestal District; the 16<sup>th</sup> addition to the Middleburg/Marshall Agricultural and Forestal District; and the 8<sup>th</sup> addition to the Upperville Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following ordinances. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Raymond Graham***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

**ORDINANCE**

**AN ORDINANCE TO APPROVE THE 4<sup>TH</sup> ADDITION TO THE  
THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT  
WITHIN FAUQUIER COUNTY**

WHEREAS, Section 15.2-4310, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the 4<sup>th</sup> Addition to the Thumb Run Agricultural and Forestal District be and is hereby, adopted as follows:

- (1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.
- (2) That this 4<sup>th</sup> Addition to the Thumb Run Agricultural and Forestal District is hereby added this 15<sup>th</sup> day of May, 2000, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, Code of Virginia (1950) as amended, and for a period of eight years.
- (3) That the Fourth Addition shall consist of the following parcel(s):

	NAME	PIN#	
<u>ACREAGE</u>			
	W. Allen and Susan F. Taft	6929-53-1552	51.23 acres
acres	Jeffrey R. Masi/Elaine K. Colley	6928-88-2618	11.43
acres	Jeffrey R. Masi/Elaine K. Colley	6929-80-0471	11.40
acres	Jeffrey R. Masi/Elaine K. Colley	6929-71-2018	14.11
acres	Jeffrey R. Masi/Elaine K. Colley	6929-70-2415	11.87

and, be it, ORDAINED FURTHER, That the same conditions and restrictions shall apply to wit:

- (4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - (a) All uses allowed by right in the applicable zoning district(s) for each

parcel shall require a special exception permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by-right.

(b) Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.

(c) No special exception permit shall be in conflict with the purposes for which the District was created.

- (5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
- (6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- (7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
- (8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.
- (9) That if either parcel is sold in the future, then the parcels will be removed from the District.
- (10) That the District will expire on July 7, 2008.

#### ORDINANCE

AN ORDINANCE TO APPROVE THE 10<sup>TH</sup> ADDITION TO THE  
MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT  
WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May

2000, That the 10<sup>th</sup> Addition to the Marshall/Warrenton Agricultural and Forestal District be and is hereby, adopted as follows:

- (1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.
- (2) That this 10<sup>th</sup> Addition to the Marshall/Warrenton Agricultural and Forestal District is hereby added this 15<sup>th</sup> day of May, 2000, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950) as amended, and for a period of eight years.
- (3) That the Tenth Addition shall consist of the following parcel(s):

<b>XIV. NAME</b>	<b>PIN#</b>	<b>ACREAGE</b>
James A. and Renee C. Lyons	6954-16-9805-000	19.65 acres
James A. and Renee C. Lyons	6954-26-5970-000	9.65 acres
William J. and Patricia A. Green acres	6946-46-8674	18.48
Robin D. and Elizabeth A. Roberts acres	6946-33-8729	57.76

and, be it, ORDAINED FURTHER, That the same conditions and restrictions shall apply to wit:

- (4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - (a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by-right.
  - (b) Subdivision of land as defined in Article 2-39 of the Fauquier County

Subdivision Ordinance is not permitted.

(c) No special exception permit shall be in conflict with the purposes for which the District was created.

- (5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
- (6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- (7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
- (8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.
- (9) That if either parcel is sold in the future, then the parcels will be removed from the District.
- (10) That the District will expire on January 20, 2005.

#### ORDINANCE

AN ORDINANCE TO APPROVE THE 16<sup>TH</sup> ADDITION TO THE  
MIDDLEBURG/MARSHALL AGRICULTURAL AND FORESTAL DISTRICT  
WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the 16th Addition to the Middleburg/Marshall Agricultural and Forestal District be, and is hereby, adopted as follows:

- (1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and

as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.

- (2) That this 16<sup>th</sup> Addition to the Middleburg/Marshall Agricultural and Forestal District is hereby added this 15<sup>th</sup> day of May, 2000, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950) as amended, and for a period of eight years.
- (3) That the Sixteenth Addition shall consist of the following parcel(s):

NAME	PIN#	ACREAGE
George L. Ohrstrom/Alice Dupont Mills 84.73 acres	7012-59-1312	
George L. Ohrstrom/Alice Dupont Mills 103.06 acres	7012-29-2355	
Jacqueline M. Tawaststjerna	6083-84-0955	51.3397 acres

and, be it, ORDAINED FURTHER, That the same conditions and restrictions shall apply to wit:

- (4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
- (a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by-right.
- (b) Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
- (c) No special exception permit shall be in conflict with the purposes for which the District was created.
- (5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229

et seq. of Chapter 32 of Title 58.1 of the Code.

- (6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- (7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
- (8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.
- (9) That if either parcel is sold in the future, then the parcels will be removed from the District.
- (10) That the District will expire on March 6, 2006.

#### ORDINANCE

AN ORDINANCE TO APPROVE THE 8<sup>TH</sup> ADDITION TO THE  
UPPERVILLE AGRICULTURAL AND FORESTAL DISTRICT  
WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the 8<sup>th</sup> Addition to the Upperville Agricultural and Forestal District be and is hereby, adopted as follows:

- (1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.
- (2) That this 8<sup>th</sup> Addition to the Upperville Agricultural and Forestal District is hereby added this 15<sup>th</sup> day of May, 2000, in accordance with the

provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950) as amended, and for a period of eight years.

- (3) That the Eighth Addition shall consist of the following parcel(s):

NAME	PIN#	ACREAGE
John F. Zugschwert	6073-89-7883	15.22 acres
John F. Zugschwert	6074-70-8219	9.46 acres
John F. Zugschwert	6074-70-2565	4.36 acres

and, be it, ORDAINED FURTHER, That the same conditions and restrictions shall apply to wit:

- (4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
- (a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by-right.
  - (b) Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
  - (c) No special exception permit shall be in conflict with the purposes for which the District was created.
- (5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
- (6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
- (7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

- (8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.
- (9) That if any parcel is sold in the future, then all parcels will be removed from the District.
- (10) That the District will expire on October 3, 2003.

## **XV. SOUTHERN FAUQUIER AGRICULTURAL & FORESTAL DISTRICT - 18TH ADDITION**

Mr. Graham withdrew from consideration of the following matter because he owns property that is part of the Southern Fauquier Agricultural and Forestal District.

A public hearing was held to consider the 18<sup>th</sup> addition to the Southern Fauquier Agricultural and Forestal District. No one spoke. The public hearing was closed. Ms. McCamy moved to adopt the following ordinance. Mr. Atherton seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy***

***Nays: None***

***Absent During Vote: None***

***Abstention: Mr. Raymond Graham***

### **ORDINANCE**

#### **AN ORDINANCE TO APPROVE THE 18<sup>TH</sup> ADDITION FO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY**

WHEREAS, Section 15.2-4310, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of May 2000, That the 18<sup>th</sup> Addition to the Southern Fauquier Agricultural and Forestal

District be and is hereby, adopted as follows:

- (1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.
- (2) That this 18<sup>th</sup> Addition to the Southern Fauquier Agricultural and Forestal District is hereby added this 15<sup>th</sup> day of May, 2000, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, *Code of Virginia* (1950) as amended, and for a period of eight years.
- (3) That the Eighteenth Addition shall consist of the following parcel(s):

NAME	PIN#	ACREAGE
Raymond E. and Martha A. Graham	7940-70-8202-000	25.04 acres
Dennis E. Gray/Kay R. Cameron	7849-89-5147	25.02 acres
Mariel S. Flory	7933-14-2063	22.50 acres
Mariel S. Flory	7933-23-2274	141.06 acres
Mariel S. Flory	7933-43-3315	54.80 acres

and, be it, ORDAINED FURTHER, That the same conditions and restrictions shall apply to wit:

- (4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - (a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception permit except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by-right.
  - (b) Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.

- (c) No special exception permit shall be in conflict with the purposes for which the District was created.
- (5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
  - (6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
  - (7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
  - (8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.
  - (9) That if any parcel is sold in the future, then all parcels will be removed from the District.
  - (10) That the District will expire on February 16, 2006.

With no further business, the meeting was adjourned.